

11/20/98  
JC542 U.S. PTO

Practitioner's Docket No. DCK 40003

PATENT

JC551 U.S. PTO  
09/196977  
11/20/98

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**NEW APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of  
Inventor(s): Brett D. Ritter, Damon R. Butler, Barry J. McGeough,  
Edward J. Norton and Zenon O. Smotrycz

**WARNING:** Patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41(a) and 1.53(b).

For (title):

MID-FOOT STABILIZATION SYSTEM FOR FOOTWEAR

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**CERTIFICATION UNDER 37 C.F.R. 1.10\***  
(Express Mail label number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date NOV. 20, 1998, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number TB071823455US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Bertha Jackson

(type or print name of person mailing paper)

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

## 1. Type of Application

This new application is for a(n)

(check one applicable item below)

- Original (nonprovisional)
- Design
- Plant

**WARNING:** *Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.*

**WARNING:** *Do not use this transmittal for the filing of a provisional application.*

**NOTE:** *If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.*

- Divisional.
- Continuation.
- Continuation-in-part (C-I-P).

## 2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

**NOTE:** *If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.*

**WARNING:** *If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.*

**WARNING:** *When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).*

- The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 3. Papers Enclosed That Are Required for Filing Date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

15 Pages of specification

7 Pages of claims

1 Pages of Abstract

3 Sheets of drawing

- formal

- informal

**WARNING:** *DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).*

**NOTE:** *"Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c).*

*(complete the following, if applicable)*

- The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).

**4. Additional papers enclosed**

- Preliminary Amendment  
 Information Disclosure Statement (37 C.F.R. 1.98)  
 Form PTO-1449 (PTO/SB/08A and 08B)  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.  
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative  
 Special Comments  
 Other Power of Attorney by Assignee

**5. Declaration or oath**

- Enclosed

Executed by

*(check all applicable boxes)*

- inventor(s).  
 legal representative of inventor(s).  
37 CFR 1.42 or 1.43.  
 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.  
 This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.  
 Not Enclosed.

**WARNING:** *Where the filing is a completion in the U.S. of an International Application, but where a declaration is not available, or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.*

- Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).*

*NOTE: It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).*

- Showing that the filing is authorized.  
*(not required unless called into question. 37 CFR 1.41(d))*

#### 6. Inventorship Statement

**WARNING:** *If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.*

The inventorship for all the claims in this application are:

- The same.

or

- Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,  
 is submitted.  
 will be submitted.

#### 7. Language

*NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 CFR 1.52(d).*

*NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).*

- English  
 Non-English  
 The attached translation is a verified translation. 37 C.F.R. 1.52(d).

#### 8. Assignment

- An assignment of the invention to Deckers Outdoor Corporation

- 
- is attached. A separate  "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or  FORM PTO 1595 is also attached.  
 will follow.

*NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).*

**WARNING:** *A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.*

**9. Certified Copy**

**Certified copy(ies) of application(s)**

| Country | Appln. No. | Filed |
|---------|------------|-------|
|         |            |       |
| Country | Appln. No. | Filed |

from which priority is claimed

- is (are) attached.
  - will follow.

**NOTE:** *The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.*

**NOTE:** This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## **10. Fee Calculation (37 C.F.R. 1.16)**

**A.  Regular application**

| CLAIMS AS FILED   |              |            |  |
|---|--------------|------------|--|
| Number filed  | Number Extra | Rate       | Basic Fee<br>37 C.F.R. 1.16(a)<br>\$790.00 |
| Total   |              |            |  |
| Claims (37 CFR 1.16(c)) 25 - 20 = 5                     |              | × \$ 22.00 | 45.00                                      |
| Independent   |              |            |  |
| Claims (37 CFR 1.16(b)) - 3 =                           |              | × \$ 82.00 | 78.00                                      |
| Multiple dependent claim(s),<br>if any (37 CFR 1.16(d)) |              | + \$270.00 |  |

- Amendment cancelling extra claims is enclosed.
  - Amendment deleting multiple-dependencies is enclosed.
  - Fee for extra claims is not being paid at this time.

**NOTE:** If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation **\$ 503.00**

- B.  Design application  
(\$330.00—37 CFR 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

- C.  Plant application  
(\$540.00—37 CFR 1.16(g))

Filing fee calculation \$ \_\_\_\_\_

**11. Small Entity Statement(s)**

- Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

**WARNING:** "Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121 or 365(c) of a prior application may rely on a verified statement filed in the prior application if the nonprovisional application includes a reference to a verified statement in the prior application or includes a copy of the verified statement filed in the prior application if status as a small entity is still proper and desired." 37 C.F.R. § 1.28(a).

(complete the following, if applicable)

- Status as a small entity was claimed in prior application

\_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_, from which benefit is being claimed for this application under:

- 35 U.S.C.  119(e),  
 120,  
 121,  
 365(c),

and which status as a small entity is still proper and desired.

- A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

\$ 503.00

**NOTE:** Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 CFR 1.28(a).

**12. Request for International-Type Search (37 C.F.R. 1.104(d))**

(complete, if applicable)

- Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

- |  |          |
|--|----------|
| <input type="checkbox"/> Not Enclosed  |          |
| <input type="checkbox"/> No filing fee is to be paid at this time.<br><i>(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)</i>  |          |
| <input checked="" type="checkbox"/> Enclosed   | 503.00   |
| <input checked="" type="checkbox"/> Filing fee   | \$ _____ |
| <input checked="" type="checkbox"/> Recording assignment<br>(\$40.00; 37 C.F.R. 1.21(h))<br>(See attached "COVER SHEET FOR<br>ASSIGNMENT ACCOMPANYING NEW<br>APPLICATION".)  | \$ 40.00 |
| <input type="checkbox"/> Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached<br>(\$130.00; 37 C.F.R. 1.47 and 1.17(h)) | \$ _____ |
| <input type="checkbox"/> For processing an application with a specification in a non-English language<br>(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k))   | \$ _____ |
| <input type="checkbox"/> Processing and retention fee<br>(\$130.00; 37 C.F.R. 1.53(d) and 1.21(l))   | \$ _____ |
| <input type="checkbox"/> Fee for international-type search report<br>(\$40.00; 37 C.F.R. 1.21(e))  | \$ _____ |

**NOTE:** 37 CFR 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(l) must be paid, within 1 year from notification under § 53(d).

Total fees enclosed \$ \_\_\_\_\_

#### **14. Method of Payment of Fees**

- Check in the amount of \$ 543.00

Charge Account No. \_\_\_\_\_ in the amount of  
\$ \_\_\_\_\_

A duplicate of this transmittal is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).*

## 15. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 10-1324:
- 37 C.F.R. 1.16(a), (f) or (g) (filing fees)
- 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 C.F.R. 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

**NOTE:** 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee." From the wording of 37 CFR 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

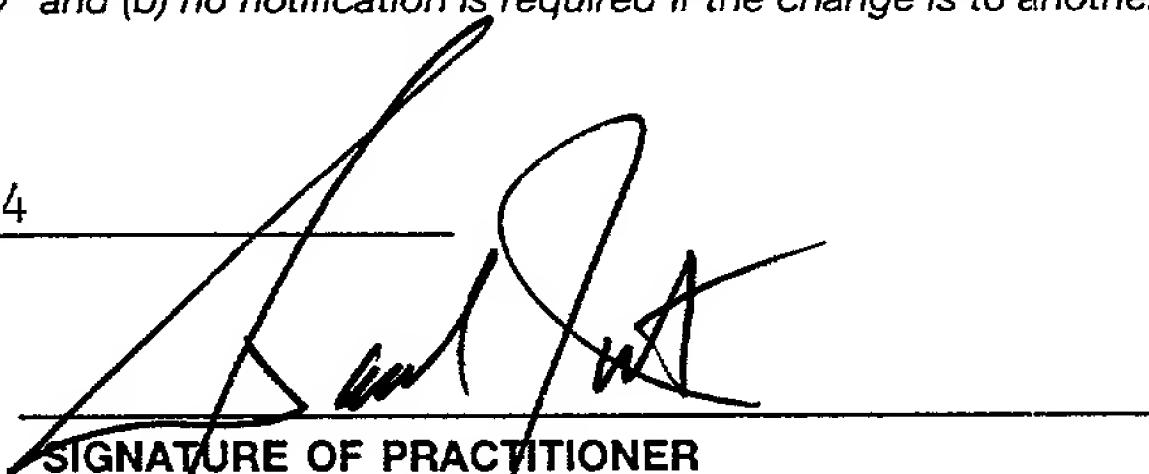
## 16. Instructions as to Overpayment

- Credit Account No. 10-1324
- Refund

Reg. No. 30,270

Tel. No. (312) 236-8123

Customer No. IDON302826



**SIGNATURE OF PRACTITIONER**  
Paul G. Juettner  
(type or print name of attorney)

Juettner Pyle Piontek & Underwood

P.O. Address Suite 850  
221 North LaSalle Street  
Chicago, Illinois 60601

**Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

- Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_

- Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added \_\_\_\_\_

- Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

**Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

- This transmittal ends with this page.

Practitioner's Docket No. \_\_\_\_\_

**PATENT**

- Applicant \_\_\_\_\_  
 Application No. \_\_\_\_\_  
 Filed on \_\_\_\_\_  
Title: MID-FOOT STABILIZATION STRAPPING SYSTEM FOR FOOTWEAR

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby state that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern Advanced Design Concepts  
Address of Small Business Concern 2 Linden Street  
Reading, MA 01867

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- the specification filed herewith, with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

Each such person, concern or organization having any rights in the invention is listed below:

- No such person, concern, or organization exists.  
 Each such person, concern or organization is listed below.

Name Deckers Outdoor Corporation  
Address 495-A South Fairview Avenue, Goleta, CA 93117

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

Name \_\_\_\_\_  
Address \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 C.F.R. § 1.4(d)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Edward J. Smotrich Date 11/10/98  
Title of Person if Other Than Owner Partner Address of Person Signing 1110 Park

SIGNATURE \_\_\_\_\_ Date \_\_\_\_\_

Practitioner's Docket No. \_\_\_\_\_

**PATENT**

|   |   |
|---|---|
| <input checked="" type="checkbox"/> Applicant               | <input type="checkbox"/> Pattee _____     |
| <input type="checkbox"/> Application No.                    | <input type="checkbox"/> Patent No. _____ |
| <input type="checkbox"/> Filed on _____                     | <input type="checkbox"/> Issued on _____  |
| Title: MID-FOOT STABILIZATION STRAPPING SYSTEM FOR FOOTWEAR |   |

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby state that I am

- the owner of the small business concern identified below:
- an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern \_\_\_\_\_ Deckers Outdoor Corporation  
 Address of Small Business Concern \_\_\_\_\_ 495-A South Fairview Avenue,  
 Goleta, CA 93117

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- the specification filed herewith, with title as listed above.
- the application identified above.
- the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

Each such person, concern or organization having any rights in the invention is listed below:

- No such person, concern, or organization exists.  
 Each such person, concern or organization is listed below.

Name \_\_\_\_\_

Address \_\_\_\_\_

INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT ORGANIZATION

Name \_\_\_\_\_

Address \_\_\_\_\_

INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

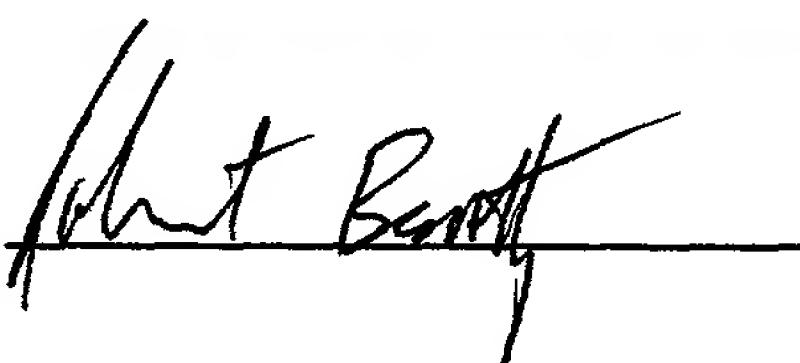
Name of Person Signing Robert BEATTY

Title of Person if Other Than Owner Vice President

Address of Person Signing 526 Grove Lane, Santa Barbara, CA.

93105

SIGNATURE



Date 11/19/98

## **MID-FOOT STABILIZATION SYSTEM FOR FOOTWEAR**

### **Field of the Invention**

The present invention relates to footwear, and in particular, to strapping systems for securely affixing footwear to a user's foot.

### **Background of the Invention**

There is a wide variety of prior art showing strapping configurations for footwear. Generally, the purpose of such strapping may be summarized as securing the footwear to a user's foot. Such strapping is often used in connection with sandals.

Examples of prior US Patents showing sandal or footwear strapping arrangements include U.S. Patents Nos. 4,200,997 and 4,446,633 to Scheinhaus, U.S. Patent No. 4,817,302 to Saltsman, U.S. Patent No. 4,300,294 Riecken, U.S. Patent No. 2,788,591 to Gibson, U.S. Patent No. 2,126,094 to Daniels, and U.S. Patent No. 2,862,311 to Ellis. Each of these patents disclose a strapping configuration that engages the ankle, heel, instep, toes, arch, or some combination thereof to secure the footwear to the user's foot. None of these prior art disclosures, however, nor any other existing strapping configurations have been entirely satisfactory in securing footwear to the foot, while maintaining a comfortable, durable, and convenient configuration.

This problem is particularly acute for sandals used in sports or other vigorous activities. As sandals have become more frequently worn in these active endeavors, demands on strapping configurations have grown. No existing sandal strapping configuration adequately minimizes movement of the sandal sole with respect to the foot while allowing for required natural foot movement, user comfort, ease of use, and cost of manufacture.

One particular problem that many prior art configurations suffer from relates to an ankle strap. As the angle between the foot and the ankle changes during normal walking or running, the foot's main tendon that travels down the front of the leg and across the instep of the foot is cyclically tightened and loosened. This causes the overall circumference of the ankle and instep to increase and decrease. Any strapping that wraps the ankle must allow for this expansion and contraction, which necessitates such strapping to incorporate a certain tolerance. Without such allowance, ankle strapping restricts foot movement. Thus an effective, tight fit is not possible with an ankle strap.

Ankle straps are connected to the sole near the heel or rear of the sole, and thereby exert force on the heel. This may cause a slower response to foot movement by the sole.

Another problem results from the use of strapping configurations that offer only limited contact with foot sections. For instance, some prior strapping configurations contact the foot only along a transverse axis. As forces associated with foot movement may occur along the longitudinal axis of the foot, as well as in all other directions, such transverse oriented strapping is limited in its ability to secure the foot to the sole.

Footwear straps are typically oriented in a direction that does not correspond to the force vectors that occur during walking, running, or vigorous activity. Strapping usually is oriented at an angle of approximately 90° from the sole. This angle is appropriate to maximize strapping strength only when the strap lies flat and parallel to the sole on the foot surface. As the top of the foot slopes forward, however, a strap oriented at a 90° angle from the sole must twist to lie flat on the sloping foot surface. This causes discomfort in the user and diminishes the strength capacity of the strap.

During normal walking or running, the foot moves in an upward and forward motion, and correspondingly pulls the sole in this direction. A strap oriented at a 90° angle to the sole, however, is positioned to be at its peak strength and comfort to the user for forces directed straight upwards. These straps are therefore disadvantageous for use with a natural foot movement.

Another problem existing with many prior art sandal strapping configurations is the point of connection of the strapping to the sole. Strapping that is connected at isolated points can only secure the foot to these isolated points. Often, the point of stress is at the surface of the sole and tends to be near the front or rear edges of the sole. Because the sole is inherently flexible, securing strapping to these isolated, static points inevitably leads to bending and unequal movement of the sole with reference to the foot, particularly during vigorous movement.

Other existing strapping configurations are such that they do not allow for natural movement of the foot to occur as may occur during sports or the like. They are configurations that may be sufficient to secure the sole to the foot when stationary, but are

incapable of adjusting as the foot may change shape slightly during movement, or as forces occur in a variety of directions during vigorous activity.

Still other prior art footwear strapping configurations feature a continuous strap that contacts the wearer's foot in multiple locations, such as around the ankle, across the instep, and over the front of the foot. Such straps cannot be snugly fit to a single portion of the wearer's foot, as they must allow for movement of other portions of the foot. A continuous strap that covers both the instep and the forefoot, for instance, may develop looseness over the instep due to movement of the forefoot.

An unresolved need therefore exists for footwear featuring a strapping configuration that securely fixes the sole to the foot and accommodates the wide range of forces developed during sports or other vigorous activities. Further, a need exists for strapping that is capable of dynamically adjusting itself as required during such use.

### Objects of the Invention

It is an object of the invention to provide footwear with a strapping configuration that effectively and securely binds the footwear to a user's foot, even during sports or other vigorous activity.

It is a further object of the invention to provide footwear with a dynamically self adjusting strapping configuration for securing the footwear to the user's instep.

## Summary of the Invention

The present invention comprises a unique strapping configuration for footwear that provides for dynamic fit adjustment while securely and comfortably affixing a sole to a wearer's foot. The strapping generally includes an adjustable X configuration strap that has both ends attached to a heel portion of the footwear, crosses over the wearer's instep, and passes through a transverse channel in the midsole of the footwear under the wearer's arch. The present invention further comprises footwear incorporating the unique strapping configuration that securely fastens the footwear to the user's foot, even during sports or other vigorous activities.

The adjustable X configuration instep strap generally has a first end secured to a first side of the heel portion of the footwear, crosses forwardly and transversely over the wearer's instep, passes through a channel in the sole of the footwear at the midfoot, near the longitudinal center of the sole, extends rearwardly and transversely back across the wearer's instep (thereby forming an X over the instep), and is adjustably and releasably secured to the second side of the heel portion of the footwear. Preferably, the channel is angled downwardly from rear to front in the longitudinal direction, parallel to the downward slope of the wearer's instep, so that the strap will lie flat on the wearer's instep, and thereby more evenly carry forces that develop between the foot and the sole during sports or other vigorous activities.

The X configuration instep strap acts to secure the entire circumference of a wearer's foot to the footwear sole. The strap passes under the wearer's arch through the midfoot channel, and thereby works to secure the entire transverse midfoot portion of the

sole to the bottom of the wearer's foot. Further, the strap as it passes through the channel operates to force the sole upward from near its center of gravity. This offers improvement over prior art configurations that attach strapping only to the top surface of the sole, and improvement over prior art configurations that have straps attached only at isolated points on the sole surface away from the center of gravity and longitudinal center of the footwear.

To provide for a fluid, changing fit, the portion of the footwear sole through which the midfoot channel passes, the midfoot shank, is comprised of a relatively stiff and hard material that will not significantly compress and thereby not pinch the strap passing through it during use. The strap is thus free to move through the channel as the wearer's foot moves in different directions, thereby achieving a constantly adjusted fit. The preferred midfoot shank is preferably manufactured separate from the sole and is affixed thereto by molding or with an adhesive. This allows for the shank including the midfoot channel to be constructed of a relatively hard and stiff material and be conveniently attached to a softer, more pliable sole.

The relatively stiff midfoot shank also functions as a standard shank to add desirable stiffness and torsional rigidity to the sole.

The top of the X configuration strap is positioned to lie over the instep of a wearer's foot. It is therefore forward on the foot from the ankle, and leaves the ankle free from circumferential restriction so it may freely expand and contract as the foot's main tendon tightens and loosens. This is of particular value for sandals that are to be used during sports or other vigorous activities. Also, as the X-strap lies over the top of the

foot, it attaches the foot to the sole near the foot center. This is advantageous over prior art straps that attach the foot to the sole about the ankle, farther from the center of the foot.

Also, because the X-strap of the present invention attaches only to the instep of the foot and does not loop around the heel of the foot or the forefoot, it may be adjusted to snugly fit the instep. This is advantageous over some prior art strapping systems that comprised straps that encompassed other parts of the foot in addition to the instep. Unlike these prior art straps, the X-strap of the present invention will advantageously respond only to movement of the instep itself, and may be adjusted to fit only the instep. As the instep tends not to change in size significantly as the foot goes through its natural movements, this is a most advantageous location for strapping.

The present invention further encompasses footwear incorporating the aforesaid X-strap. A preferred embodiment of the footwear of the invention comprises a sandal. In addition to the X-strap of the invention, the preferred sandal embodiment further comprises a front strap for releasably attaching the sole to the forefoot, and a heel strap for releasably attaching the footwear to the wearer's heel. A pair of opposing heel posts extend upwardly from the sole from the respective medial and lateral sides of the heel portion of the sole. Desirably, the heel strap is a T-strap having a downwardly extending portion that attaches to the center, rear of the sole, behind the wear's Achilles tendon. The two ends of the X-strap are connected to the front of the lateral and medial heel posts. A side member may be preferably used that extends from the lateral heel post to the front strap to provide additional support for the foot.

The above brief description sets forth rather broadly the more important features of the present disclosure so that the detailed description that follows may be better understood, and so that the present contributions to the art may be better appreciated. There are, of course, additional features of the disclosure that will be described hereinafter which will form the subject matter of the claims appended hereto. In this respect, before explaining the several embodiments of the disclosure in detail, it is to be understood that the disclosure is not limited in its application to the details of the construction and the arrangements set forth in the following description or illustrated in the drawings. The present invention is capable of other embodiments and of being practiced and carried out in various ways, as will be appreciated by those skilled in the art. Also, it is to be understood that the phraseology and terminology employed herein are for description and not limitation.

The objects of the invention have been well satisfied. These advantages and others will become more fully apparent from the following detailed description when read in conjunction with the accompanying drawings.

#### Brief Description of the Figures

Figure 1 is a perspective view of a preferred embodiment of the strapping system of the invention.

Figure 2 is a detail of a fastening means of the strapping system of the present invention.

Figure 3 is a detailed medial side view of the midfoot channel of the strapping system of the invention.

Figure 4 is a bottom plan view of the midfoot channel of the strapping system of the invention.

Figure 5 is a perspective view of a preferred embodiment of the footwear of the present invention.

## Detailed Description

Turning now to the drawings, Fig. 1 is a perspective view of footwear showing a preferred embodiment of the X configuration strap of the invention. The footwear is shown in phantom lines so that the location of the strap of the invention may be understood. The footwear may be of any type, including sandals as well as closed shoes. The footwear, as is conventional includes a fore foot and heel portions, with a midfoot portion there between. In accordance with the invention, a channel 31 is provided through the midfoot portion of a sole of the footwear, underlying the user's arch, as more fully explained below.

Strap 1 is attached at a first end 3 to one side, e.g., the lateral side, of the heel portion of the footwear. Strap 1 extends transversely and forwardly across and over the instep of a wearer's foot. The strap passes through the midfoot channel, entering at the medial side 5 and emerging at the lateral side 9. Strap 1 then extends in a rearward, transverse direction back across the foot instep. The strap is adjustably attached at its second end 11 to the medial side of a heel portion of the footwear.

A preferred attachment means is illustrated in Fig. 2, comprising mating hook and loop fasteners. Strap 1 passes through a pivot loop 21 attached to the heel portion of the footwear. A section of mating hooks 23 are located on the bottom of strap 1 near strap second end 11. A corresponding section of mating loops 25 are located on the top side of strap 1. Strap 1 may thereby be adjustably and removably attached to itself by pulling it through pivot loop 21 to a desired tightness and releasably fixing section of hooks 23 onto section of loops 25. Other means of attaching strap end 11 to the sole heel portion may

comprise mating female-male connectors, buckles, friction buckles, snaps, or other fasteners known in the art.

Fig. 3 is an expanded medial side view of the midfoot channel 31 in sole midfoot region 7 with strap 1 passing through. As shown in Fig. 4, midfoot channel 31 extends across the width of the midfoot region of the sole. The sole midfoot region or shank 7 is comprised of a resilient, stiff material so that midfoot channel 31 will not collapse and thereby pinch strap 1 when force is applied downwardly on the shank during use. The stiffness and resiliency of shank 7 also imparts advantageous strength and torsional rigidity to the sole. To facilitate convenient and efficient manufacture, shank 7 is preferably manufactured separate from the softer and more pliable sole and attached thereto with an adhesive or the like. Alternative methods of manufacture may be used, such as molding the shank with the other portions of the sole.

As strap 1 passes through midfoot channel 31, it acts upon the entire transverse section of the sole. When strap 1 is tightened to a desired fit it responds by forcing the entire midfoot region of the sole upwards from near its center of gravity towards the foot while simultaneously forcing the top and sides of the foot instep downward towards the sole. This results in an advantageously snug fit between sole and foot. This also provides improvement over prior art strapping systems do not attach across the entire transverse section of the sole.

Further, as strap 1 is free to shift through midfoot channel 31, a dynamic, self adjusting fit is achieved. As the foot may shift and move about during use, midfoot channel 31 allows strap 1 freedom to respond. This allows for strap 1 to maintain its fit

across the foot instep and maintenance of a correspondingly firm, responsive, and comfortable fit even during vigorous activity.

Fig. 3 shows the preferred forward angle of midfoot channel 31. Channel 31 is angled forward and downward at an angle  $\Theta$ , roughly parallel to a person's instep. As the respective ends of the X-strap 1 extend upwardly and over the wearer's instep, this angle will be maintained, causing the surface of strap 1 to lie approximately flat on the sloping instep of the wearer's foot. Angling the channel in a downward and forward longitudinal direction desirably directs the respective ends of the strap 1 exiting the channel to extend in a forward and upward direction that closely matches a typical forward and upward direction that the sole is pulled by the foot while walking or running. In this manner the angling of channel 31 maximizes the ability of strap 1 to absorb forces developed during use, and provides for user comfort as strap 1 will tend to lie flat on a wearer's instep. Angle  $\Theta$  is preferably between  $2^\circ$  and  $15^\circ$ , and most preferably between  $3^\circ$  and  $6^\circ$ .

Strap 1 may be fabricated from any suitable flexible material having sufficient tensile strength, such as woven fabrics or leather. A preferred strap comprises woven nylon as is well known in the art. Fabric weaves may desirably include reflective material, thereby providing  $360^\circ$  reflectivity for enhanced user safety.

The present invention encompasses footwear having the aforesaid X-strap. Fig. 5 is a preferred embodiment of the footwear of the invention comprising a sandal. It should be noted, however, that the features of the invention are equally applicable to closed footwear such as shoes. Strap 41 has a first end 43 attached to a heel post 45. Strap 41 passes over a wearer's instep and into midfoot channel 47. Channel 47 extends

transversely through sole 51. After exiting channel 47, strap 41 passes back over the foot instep, through midfoot loop 53, and into fastener 55 for adjustable fastening strap 41 to heel post 57. Strap 41 thereby forms an X-shaped configuration over the wearer's instep. Fastener 55 may comprise a buckle with lever as illustrated, or other means as are known in the art, including, for example, hook and loop fasteners, male-female connectors, buckles, snaps, and the like.

Sole midfoot region 49 is preferably fabricated from a resilient and relatively stiff material to provide desirable torsional rigidity to the softer and more pliable sole 51. Because sole midfoot region 49 is comprised of a resilient plastic material while sole 51 is comprised of a softer, more pliable material; sole midfoot region 49 is preferably manufactured separate from sole 51 and then affixed to sole 51 using adhesives or the like.

A generally stiff, resilient sole midfoot region 49 desirably adds stiffness and torsional rigidity to sole 51. Sole 51 is constructed as generally known in the art, and may, for example, be comprised of a relatively tough and wear resistant outsole, a softer and more cushioned midsole, and a soft topsole or footbed for contact with the user foot. Sole 51 is preferably molded of ethylene vinyl acetate.

As the midfoot portion of the sole or shank is formed of stiff material, channel 47 will not collapse and pinch strap 41 while the footwear is in use. Thereby strap 41 will move freely through the channel. As discussed *infra*, movement of strap 41 during use is most desirable to provide for a secure, dynamic, and self adjusting fit, even during vigorous activity.

Channel 47 is also angled forward and downwardly from the horizontal to provide the advantages discussed *infra*, including maximizing user comfort and absorbing forces developed during walking and running.

Adjustable heel strap 59 for securing a wearer's heel to the footwear is attached at a first end 61 to medial heel post 45, and a second end to lateral heel post 57. Heel strap 59 second end 63 extends through heel loop 65, and through heel fastening means 67. Means 67 may comprise any of several fastening means that are well known in the art, including, for example, a lever operated buckle as illustrated, mating hooks and loops, mating male/female buckles, snaps, or the like. Heel strap 59 desirably may be provided with a downwardly extending T-strap member (not shown) that attaches to the center, rear of the sole. If a T-strap is utilized, it is desirable to provide heel strap fasteners at both the lateral and medial heel posts so that the wearer may custom adjust the T-strap as desired.

The footwear further includes a lateral side member 59 and forefoot strap 69. Lateral side strap 59 extends between heel post 57 and forefoot strap 69. Forefoot strap 69 adjustably secures a wearer's forefoot to sole 51. Forefoot strap 69 is adjustably tightened through front loop 71, and fastens back onto itself through fastener 73. Fastener 73 may comprise any of the several fastening means as known in the art, including, for example, mating hook and loop fasteners, buckles, and the like.

The advantages of the disclosed inventions are thus attained in an economical, practical, and facile manner. While preferred embodiments and example configurations have been shown and described, it is to be understood that various further modifications

and additional configurations will be apparent to those skilled in the art. It is intended that the specific embodiments and configurations herein disclosed are illustrative of the preferred and best modes for practicing the invention, and should not be interpreted as limitations on the scope of the invention as defined by the appended claims. For example, although a sandal has been presented as a preferred embodiment of the footwear of the present invention, the present invention may be practiced in an embodiment comprising an athletic shoe within the scope of the following claims as will be appreciated by those skilled in the art.

What is claimed is:

1. An X-strap assembly for securing an article of footwear to the instep of a wearer's foot, the footwear having a sole and a transverse channel through the midfoot portion of the sole, the strap assembly comprising:
  - a) a strap attached at its respective ends to the medial and lateral rear sides of the footwear, respectively, said strap having a first portion extending in a forward direction transversely across the wearer's instep from one side of the footwear to the other, a second portion extending through the transverse channel, and a third portion extending in a rearward direction transversely across the wearer's instep from said other side to said one side of the footwear, said first and said third portions forming a X configuration over the wearer's instep; and
  - b) an adjustable fastener attached to said strap for adjusting the length of said strap.
2. A strap assembly as in claim 1, wherein said second portion of said strap is angled downwardly from rear to front in a longitudinal direction.
3. A strap assembly as in claim 2, wherein the angle of downward inclination of said second portion of said strap is between 2° and 15° from the horizontal.
4. A strap assembly as in claim 2, wherein the angle of downwardly inclination of said second portion of said strap is between 3° and 6° from the horizontal.

5. A strap assembly as in claim 2, wherein the article of footwear has a heel portion with lateral and medial sides, said strap having a first and a second end, and said strap first end being attached to the footwear at the medial heel side, said strap second end attached to said fastener for releasably and adjustably attaching said strap second end to the footwear at the heel lateral side.
6. An X-strap assembly for securing an article of footwear to the instep of a wearer's foot, the footwear having a sole, a midfoot portion, and a heel portion having first and second sides, comprising:
- a transverse channel through the midfoot portion of the sole of the footwear, said channel having first and second ends coincident with the respective heel portion first and second sides;
  - a strap having a first and a second end, said first end connected to the first side of the heel portion of the footwear, said strap passing forward and crossing over the instep portion of the wearer's foot, passing downward from the instep into said midfoot channel second side and through said midfoot channel, passing back over the foot instep, thereby forming an X configuration over the foot instep; and
  - a fastener at said strap second end for releasable fastening said strap to the footwear at the second side of the heel portion of the footwear.
7. A strap assembly as in claim 6, wherein said channel is angled downwardly from rear to front.

8. A strap assembly as in claim 6, wherein said channel is angled downwardly from rear to front at an angle of between 2° and 15° from the vertical.
9. A strap assembly as in claim 6, wherein said channel is angled downwardly from rear to front at an angle of between 3° and 6° from the vertical.
10. A strap assembly as in claim 6, wherein said channel is comprised of resilient plastic material, and is affixed to the sole.
11. A strap assembly as in claim 6, wherein said strap fastening means is selected from the group comprising mating hooks and loops, snaps, mating female and male buckles, and a buckle.
12. A strap assembly as in claim 6, wherein said strap is free to move through said channel during footwear use.
13. A strap assembly as in claim 6, wherein the footwear comprises a sandal.
14. A strap assembly for securing a foot instep to the sole of footwear, the footwear having a heel portion with first and second sides, comprising:

- a) a resilient transverse channel having a first and a second end coincident with the heel portion respective first and second sides, said channel angled forward at an angle of between 2° and 12° from the vertical;
- b) a strap having a first and a second end, said first end connected to the footwear near the heel portion first side, said strap passing forward and crossing over the instep portion of a foot, passing downward from the instep into said channel second side and through said channel, passing back over the foot instep, thereby forming an X-configuration over the foot, said strap free to move through said channel; and
- c) a fastening means at said strap second end for releasable fastening to the footwear near the heel portion second side.

15. An article of footwear for a person comprising:

- a) a sole, said sole having a transverse channel extending through the midfoot portion of said sole;
- b) a strap connected to said sole, said strap having a first portion connected to said sole at a first side of the heel portion thereof and extending forward and crossing over the instep portion of the person's foot, a second portion extending through said transverse channel, and a third portion extending rearward and crossing over the person's instep; and
- c) an adjustable fastener connecting said third portion of said strap to a second side of the heel portion of said sole.

16. An article of footwear as in claim 15, wherein said channel is angled downwardly from rear to front.
17. An article of footwear as in claim 15, wherein said channel is angled downwardly from rear to front at an angle of between about 2° and 15° from the horizontal.
18. An article of footwear as in claim 15, wherein said channel is angled downwardly from rear to front at an angle of between about 3° and 6° from the horizontal.
19. An article of footwear as in claim 15, wherein said midfoot portion of said sole is comprised of a rigid plastic material.
20. An article of footwear as in claim 15, wherein said strap fastening means are selected from the group comprising hook and loop fasteners, snaps, mating female and male connectors and buckles.
21. An article of footwear as in claim 15, wherein said strap is free to move in said channel during use of the footwear.
22. An article of footwear as in claim 15, wherein the footwear comprises a sandal.

23. An article of footwear as in claim 15, wherein the footwear further comprises a releasably fastened front strap for attaching a wearer's forefoot to the footwear, and having opposing heel posts having a releasably fastened heel strap for attaching the heel of a wearer's foot to the footwear.
24. An article of footwear as in claim 23, further comprising a side member connecting said front strap to one of said heel posts.
25. A sandal having a sole with a heel portion with a first and second side, further comprising:
- a transverse channel having a first and a second side, said channel comprised of resilient plastic affixed to said sole, said channel angled downwardly from rear to front;
  - a strap for releasably attaching a foot instep to the sole, said strap having a first and a second end, said first end connected to the footwear near the heel portion first side, passing forward and crossing over the instep portion of a foot, passing downward from the instep through the midfoot channel second side, out the midfoot channel first side, passing back over the foot instep, thereby forming an X shape over the wearer's instep, said strap being freely movable within said midfoot channel;
  - said strap having fastening means at said second end for releasable and adjustable fastening to the footwear near the heel portion second side;

- d) a front strap for releasably attaching a wearer's forefoot to the footwear;
- e) opposing heel posts having a heel strap for releasably attaching a wearer's heel to the footwear; and
- f) a side member attaching said front strap to one of said heel posts.

Abstract of the Invention:

A strapping system for footwear comprises a strap that has a first end connected to a first side of a heel portion of a sole, passes over the instep of a foot, through a transverse channel extending across the center of a sole, back over the foot instep, thereby forming an X shape over the wearer's foot, and is adjustably connected to the second side of a heel portion of a sole. The channel is resilient and rigid so as to allow the strap freedom of movement during use; thereby achieving a dynamic and self adjusting strap fit. Improved footwear comprises a sole having a strap, the strap having a first end connected to a first side of a heel portion of a sole, passing over the instep or a wearer's foot, through a transverse channel extending through the sole midfoot region, back over the foot instep, and is adjustably connected to the second side of a heel portion of a sole.

Fig. 1

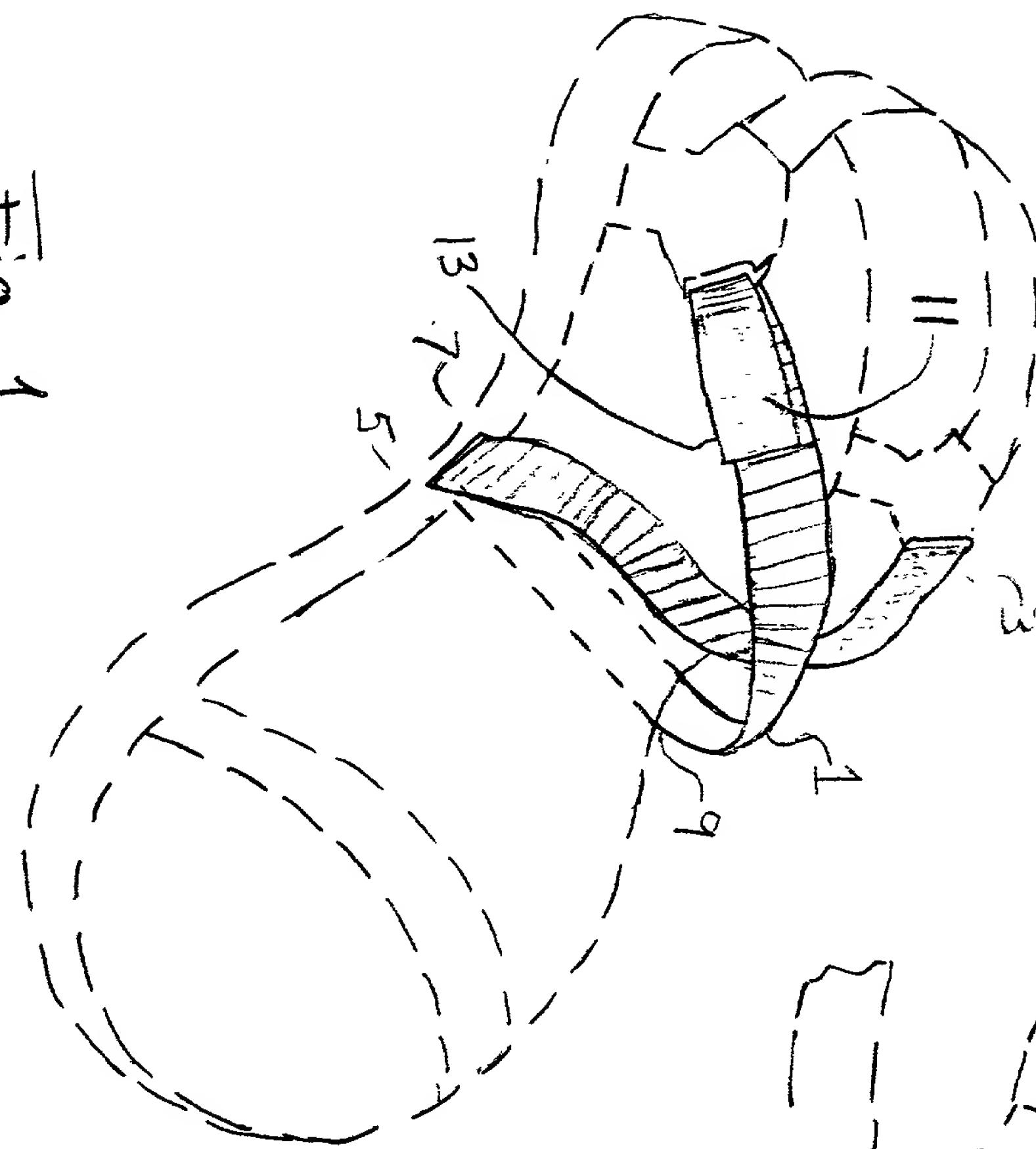


Fig. 2

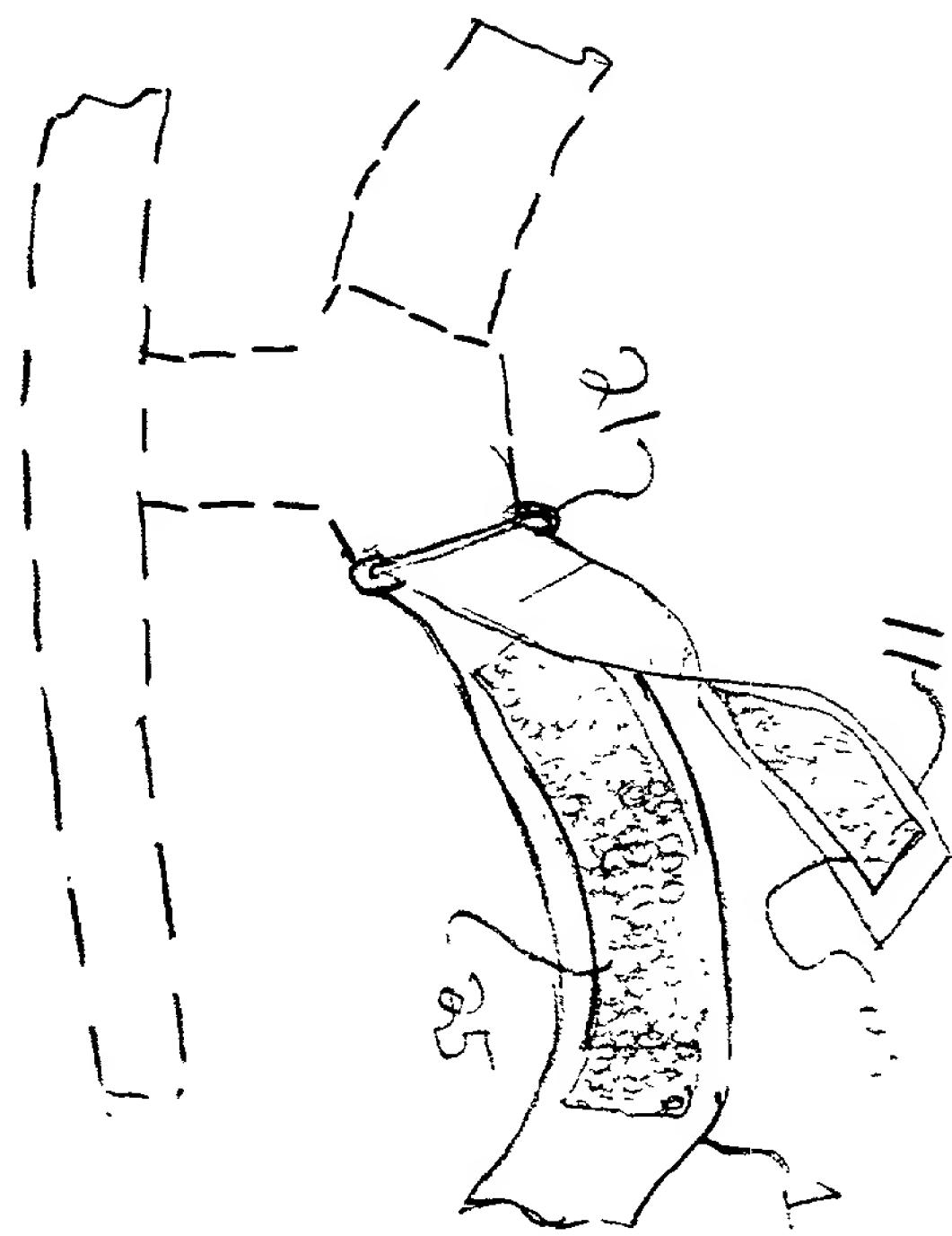


Fig. 3

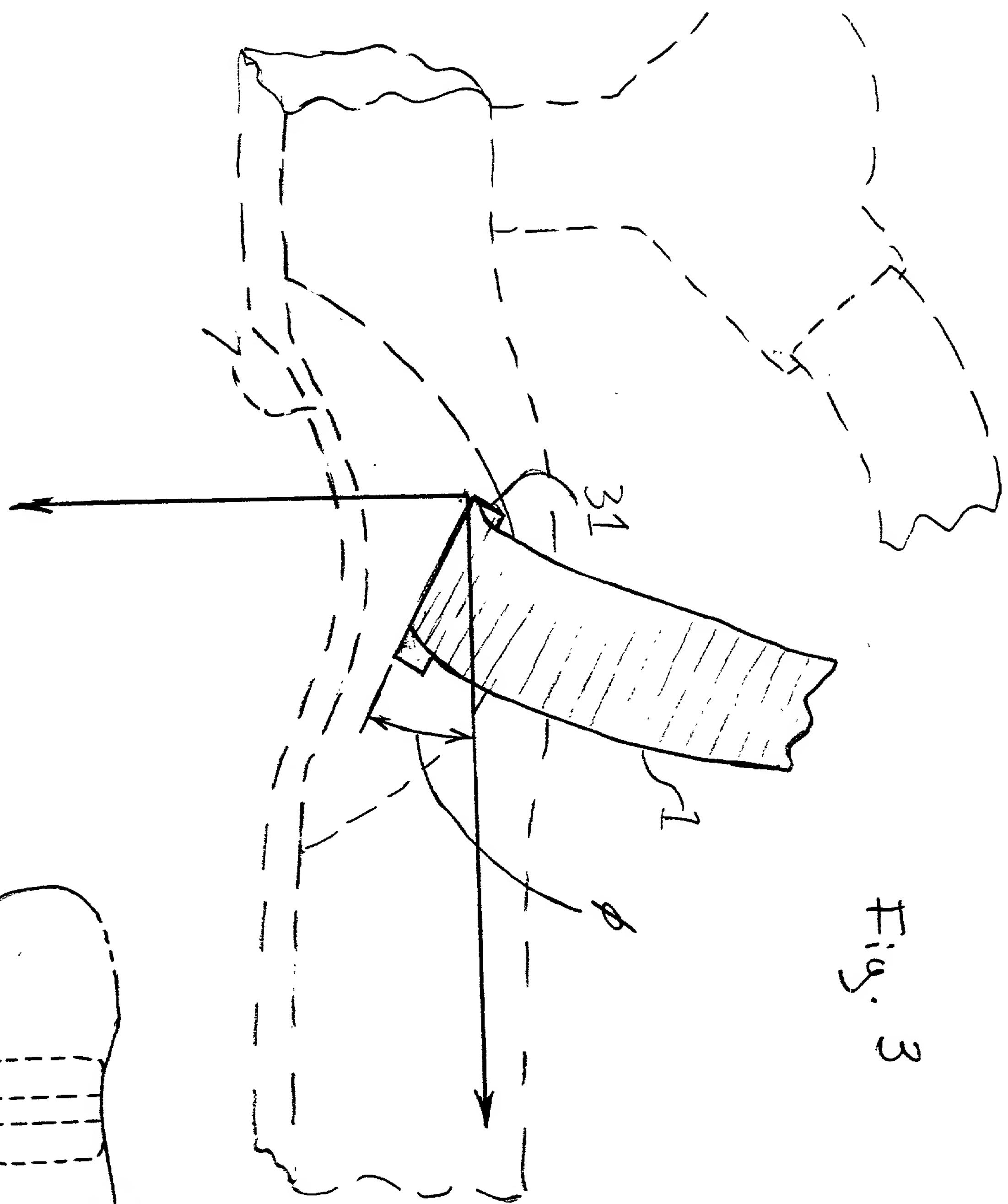
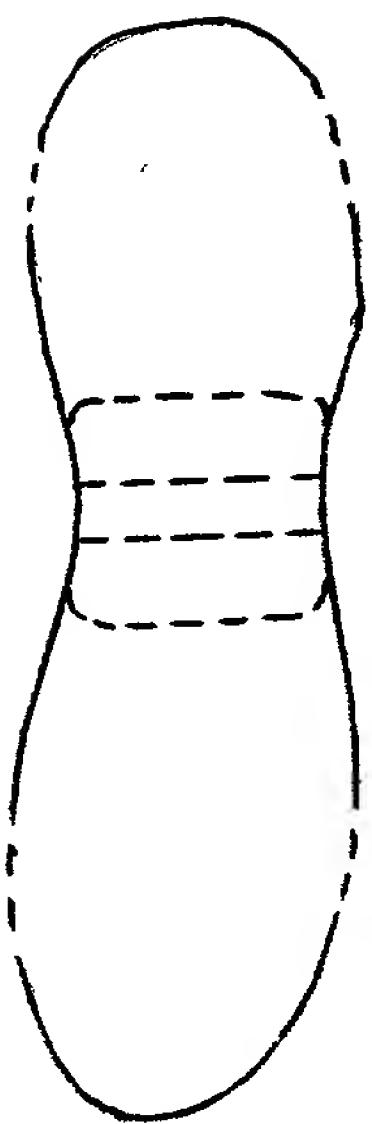


Fig. 4



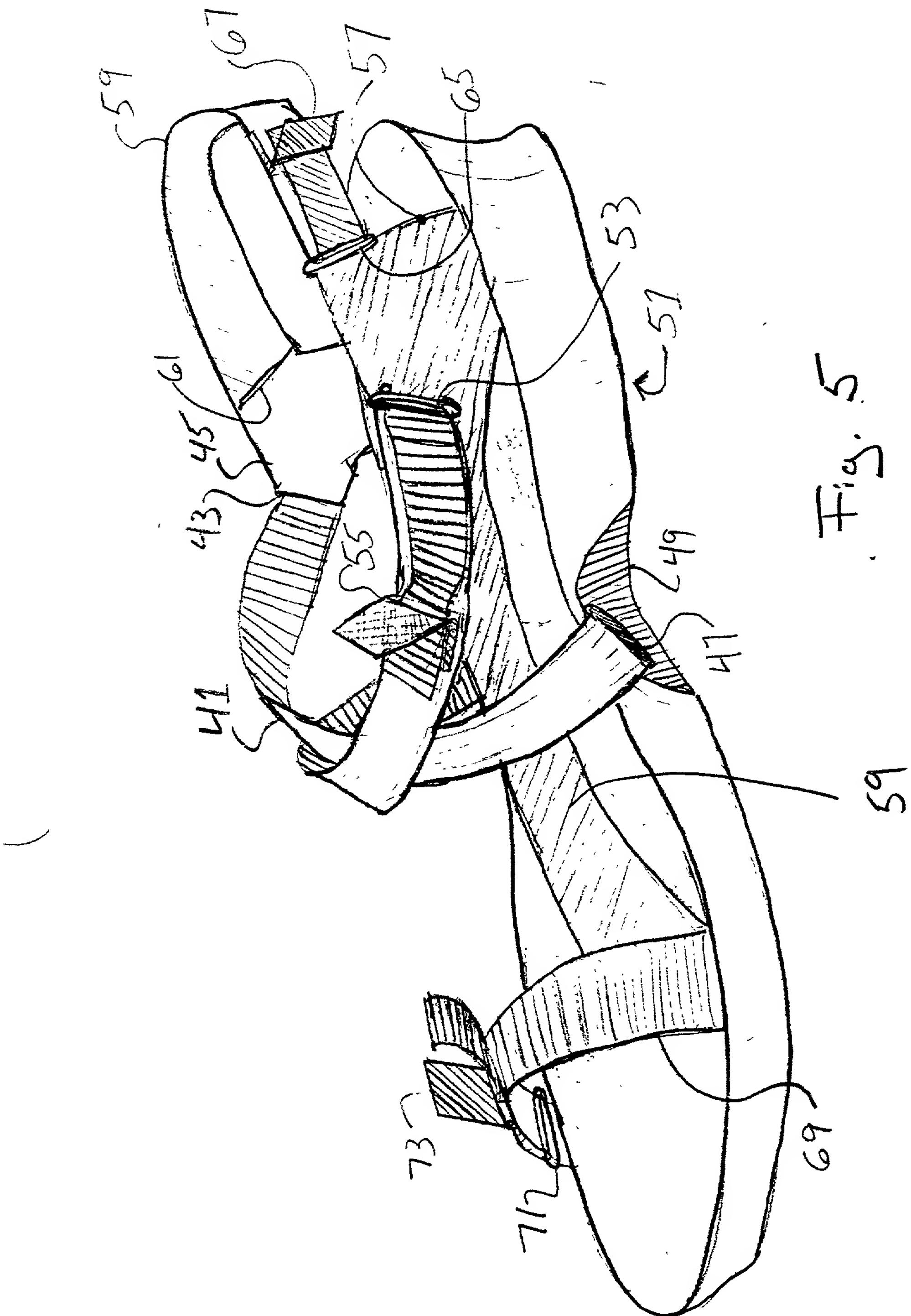


Fig. 5

**COMBINED DECLARATION AND POWER OF ATTORNEY**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

(check one applicable item below)

- original.  
 design.  
 supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

NOTE: See 37 C.F.R. § 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.

- divisional.  
 continuation.

NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. § 1.53(b) (application filing requirements — nonprovisional application).

- continuation-in-part (C-I-P).

**INVENTORSHIP IDENTIFICATION**

**WARNING:** If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

MID-FOOT STABILIZATION STRAPPING SYSTEM FOR FOOTWEAR

## SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b), or (c))

- (a)  is attached hereto.

NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1995 (1177 O.G. 60).

- (b)  was filed on \_\_\_\_\_, as  Serial No. 0 / \_\_\_\_\_  
or  \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of July 13, 1995 (1177 O.G. 60), M.P.E.P. § 601.01(a), 6th ed., rev. 3.

- (c)  was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

## **SUPPLEMENTAL DECLARATION (37 C.F.R. § 1.67(b))**

(complete the following where a supplemental declaration is being submitted)

- I hereby declare that the subject matter of the
  - attached amendment
  - amendment filed on \_\_\_\_\_

was part of my/our invention and was invented before the filing date of the original application, above-identified, for such invention.

### **ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

### **PRIORITY CLAIM (35 U.S.C. §§ 119(a)–(d))**

**NOTE:** "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by § 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) must be filed in the case of an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in § 1.17(l). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. § 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)–(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d)  no such applications have been filed.
- (e)  such applications have been filed as follows.

**NOTE:** Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)–(d)**

| COUNTRY (OR<br>INDICATE IF<br>PCT) | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED<br>UNDER 37 USC 119                          |
|------------------------------------|--------------------|--------------------------------------|---|
|                                    |                    |                                      | <input type="checkbox"/> YES      NO <input type="checkbox"/> |
|                                    |                    |                                      | <input type="checkbox"/> YES      NO <input type="checkbox"/> |
|                                    |                    |                                      | <input type="checkbox"/> YES      NO <input type="checkbox"/> |
|                                    |                    |                                      | <input type="checkbox"/> YES      NO <input type="checkbox"/> |
|                                    |                    |                                      | <input type="checkbox"/> YES      NO <input type="checkbox"/> |

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(34 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| PROVISIONAL APPLICATION NUMBER | FILING DATE |
|--------------------------------|-------------|
| _____ / _____                  | _____       |
| _____ / _____                  | _____       |
| _____ / _____                  | _____       |

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

- The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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**NOTE:** If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

*(check the following item, if applicable)*

- I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

---

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:  
(Name and telephone number)

Address  
Paul G. Juettner  
Juettner, Pyle, Piontek & Underwood  
221 North LaSalle Street, Suite 850  
Chicago, Illinois 60601

312/236-8123

Customer Number 10-1324

---

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(a)(3).

NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, *inter alia*, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

### Full name of sole or first inventor

Brett

D.

Ritter

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

FAMILY (OR LAST NAME)

### Inventor's signature



Date 11.18.1998

Country of Citizenship USA

Residence 3737 Torino Dr., Santa Barbara, CA 93105

Post Office Address

SAME AS ABOVE

### Full name of second joint inventor, if any

Damon

R

Butler

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

FAMILY (OR LAST NAME)

### Inventor's signature



Date 11.18.98

Country of Citizenship GREAT BRITAIN

Residence 303 MORENO ROAD, SANTA BARBARA, CA 93107

Post Office Address AS ABOVE

### Full name of third joint inventor, if any

Barry

J. SEPH

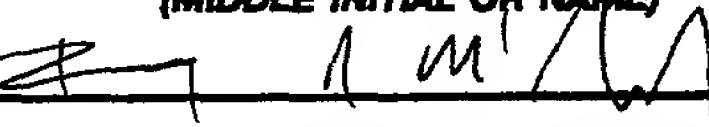
McGeough

(GIVEN NAME)

(MIDDLE INITIAL OR NAME)

FAMILY (OR LAST NAME)

### Inventor's signature



Date 11.19.98

Country of Citizenship USA

Residence 1240 E COTA, SANTA BARBARA, CA, 93103

Post Office Address SAME

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 CFR § 1.63(a)(3).

NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

Full name of fourth inventor

Edward J. Norton  
\_\_\_\_\_  
(GIVEN NAME) MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)  
Inventor's signature Edward J. Norton  
\_\_\_\_\_  
Date 11/10/98 Country of Citizenship USA  
\_\_\_\_\_  
Residence 92 Middleton Road, Boxford, MA 01921  
\_\_\_\_\_  
Post Office Address Same as above  
\_\_\_\_\_

Full name of fifth joint inventor, if any

Zenon O. Smotrycz  
\_\_\_\_\_  
(GIVEN NAME) MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)  
Inventor's signature Zenon O. Smotrycz  
\_\_\_\_\_  
Date 11/10/98 Country of Citizenship USA  
\_\_\_\_\_  
Residence 51 Avalon Road, Reading, MA 01867  
\_\_\_\_\_  
Post Office Address Same as above  
\_\_\_\_\_

Full name of joint inventor, if any

\_\_\_\_\_  
(GIVEN NAME) MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)  
Inventor's signature \_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_  
\_\_\_\_\_  
Residence \_\_\_\_\_  
\_\_\_\_\_  
Post Office Address \_\_\_\_\_  
\_\_\_\_\_

*(check proper box(es) for any of the following added page(s)  
that form a part of this declaration)*

- Signature** for fourth and subsequent joint inventors. **Number of pages added** \_\_\_\_\_

\* \* \*

- Signature** by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. **Number of pages added** \_\_\_\_\_

\* \* \*

- Signature** for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. **Number of pages added** \_\_\_\_\_

\* \* \*

- Added page for **signature** by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47)

\* \* \*

- Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

**Number of pages added** \_\_\_\_\_

\* \* \*

- Authorization of practitioner(s) to accept and follow instructions from representative.

\* \* \*

*(if no further pages form a part of this Declaration,  
then end this Declaration with this page and check the following item)*

This declaration ends with this page.

+3122365574 JUETTNER PYLE LLOYD

338 P02 NOV 20 '98 16:07

607-100-0000

FORM 12

11-10

Practitioner's Docket No. DCK 40003

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** In re application of: Brett D. Ritter, et al

Application No.: /

Group No.:

Filed:

Examiner:

For: MID-FOOT STABILIZATION STRAPPING SYSTEM FOR FOOTWEAR

 Patent No.:

Issued:

NOTE: Insert name(s) of inventor(s) and file date for patent.

Assistant Commissioner for Patents  
Washington, D.C. 20231**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified

 application, patent,**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact  
all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

|                    |        |                      |        |
|--------------------|--------|----------------------|--------|
| Thomas R. Juettner | 16,158 | Paul G. Juettner     | 30,270 |
| Russell W. Pyle    | 23,076 | Robert A. Lloyd      | 25,694 |
| Michael Piontek    | 25,605 | Steven L. Underwood  | 35,727 |
|                    |        | Thomas R. Fitzsimons | 40,607 |

(check the following item, if applicable)

 Attached, as part of this power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

+3122365574 JUETTNER PYLE LLOYD

338 P03 NOV 20 '98 16:07

**SEND CORRESPONDENCE TO:**

Paul G. Juettner  
 Juettner Pyle Piontek  
 & Underwood  
 221 N. LaSalle Street., Suite 850  
 Chicago, Illinois 60601

**DIRECT TELEPHONE CALLS TO:**

(312) 236-8123

**Customer No.:** IDON302826Deckers Outdoor Corporation

(Type or print name of assignee of entire interest)  
 (a Delaware corporation)  
 495-A South Fairview Avenue

Address  
 Goleta, California 93117

 Recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

 Recorded herewith**ASSIGNEE STATEMENT**

Attached to this power is a "STATEMENT UNDER 37 C.F.R. § 3.73(d)."


Robert Beatty

(Type or print name of person authorized to  
 sign on behalf of assignee)

Vice PresidentTitle

**NOTE:** The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection. 37 C.F.R. § 1.38.

(check the following item, if it forms a part of this power of attorney)

 Added page—Authorization of attorney(s) to accept and follow instructions from representative.

(Power of Attorney by Assignee of Entire Interest [13-2]—page 2 of 2)

+3122365574 JUETTNER PYLE LLOYD

338 P04

NOV 20 '98 16:08

Assumed by U.S. GOVERNMENT SOLELY  
From the Inventor(s) or Assignee(s) named in this certificate, or from their legal representatives.**CERTIFICATE UNDER 37 C.F.R. 3.73(b)**Applicant Brett D. Ritter, et alApplication No. 5,821Inventor MID-FOOT STABILIZATION STRAPPING SYSTEM FOR FOOTWEARAssignee Deckers Outdoor Corporation, a Delaware corporationState of Assignment

(Name of Assignee, its corporation, partnership, authority, government agency, etc.)

certifies that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of an undivided part interest

In the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From \_\_\_\_\_ To \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From \_\_\_\_\_ To \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From \_\_\_\_\_ To \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.

 Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

11/20/98

Date

Robert Beatty

Signature

Robert Beatty

Typed or printed name

Vice President

Title

**Service Mail Instructions:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments or suggestions of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

(Certificate under 37 C.F.R. 3.73(b) (PTO/SB/96) (16-16.1)—page 1 of 1)